

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR RUFFINO, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER, TO WIT:

RESOLVED, that the minutes of the Regular Meeting of the Town Board held
March 21, 2022 be and are hereby approved.

The question of the adoption of the foregoing resolution was duly put to a vote
on roll call, which resulted as follows:

COUNCIL MEMBER BURKARD	VOTED
COUNCIL MEMBER DICKMAN	VOTED
COUNCIL MEMBER LEARY	VOTED
COUNCIL MEMBER MAZUR	VOTED
SUPERVISOR RUFFINO	VOTED

April 4, 2022

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR RUFFINO, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER, TO WIT:

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RESOLVED, that the following Audited Claims be and are hereby ordered paid from their respective accounts as per abstract to be filed in the Office of the Town Clerk by the Assistant to the Supervisor, to wit:

Check Run #04042022

Total amount hereby authorized to be paid: \$525,287.79

The question of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER BURKARD	VOTED
COUNCIL MEMBER DICKMAN	VOTED
COUNCIL MEMBER LEARY	VOTED
COUNCIL MEMBER MAZUR	VOTED
SUPERVISOR RUFFINO	VOTED

April 4, 2022

RESOLVED that the following Building Permit applications be and are hereby reaffirmed:

CODES:

(SW) = Sidewalks as required by Chapter 310 of the Code of the Town of Lancaster are waived for this permit.
(CSW) = Conditional sidewalk waiver
(V/L) = Village of Lancaster

NEW PERMITS:

Pmt #	SW	Applicant	Village	
	Name	Address	STRUCTURE	
33847		The Vinyl Outlet Inc.	8 Willow Ridge Ln	Er. Deck
33848		Forbes Homes, Inc.	18 Deepwood Pl	Er. Dwlg.-Sin.
33849		Sitzmans Appliance Center	5176 William St	Inst. Generator
33850		REME General Contacting Inc.	5285 Broadway	Er. Fence (V/L)
33851		REME General Contracting Inc.	5285 Broadway	Re-Roof (V/L)
33852		Chautauqua Fence	185 Pleasant View Dr	Er. Fence
33855		Home Power Systems LLC	1004 Townline Rd	Inst. Generator
33856		Home Power Systems LLC	48 Wainwright Ct	Inst. Generator
33859		Mary Waters	5606 Genesee St	Er. Pool-Abv Grnd
33860		Buffalo's Best Roofing	25 Pheasant Run Ln	Re-Roof
33861		Kyle Maier	130 Avian Way	Er. Shed
33862		Marrano/Marc Equity Corp.	77 Grambo Dr	Er. Patio Home
33863		Race Storage Sheds LLC	529 Aurora St	Er. Shed
33864		F&D Construction Inc.	145 Aurora St	Er. Res. Alt. (V/L)
33865		F&D Construction Inc.	19 Summerfield Dr	Er. Res. Alt.
33866		DRYM, LLC	73 Lake Ave	Re-Roof (V/L)
33867		Buffalo Roofing Co., LLC	191 Central Ave	Re-Roof (V/L)
33868		Brian Stanek	739 Erie St	Er. Res. Alt.
33869		WNY Power & Generator Serv.	1 Hill Valley Dr	Inst. Generator
33870		JHT Construction	5555 Genesee St	Er. Res. Alt.
33871		The KAZ Company	33 Running Brook Dr	Re-Roof
33872		First Buffalo Total Basement	1 Farmview Ct	Er. Res. Alt.
33873		Shawn Shapiro	21 Weathersfield Ln	Er. Shed
33874		Zenner & Ritter Co, Inc.	157 Siebert Rd	Inst. Generator
33875		T&L of the Southtowns	58 Burwell Ave	Dumpster - Temp. (V/L)
33876		Crown Castle USA Inc.	0 Hayes Ave	Cell Tower - Alteration
33877		Thrifty Roofs LLC	784 Townline Rd	Re-Roof
33878		Clifford Aures	246 Aurora St	Re-Roof (V/L)
33879		Thrifty Roofs LLC	13 Highland Pl	Re-Roof (V/L)
33882		Michele Hubert	14 Matthews Dr	Re-Roof
33883		Premier Fencing LLC	59 Rose St	Er. Fence
33884		Homes Unlimited	41 Greenbriar Dr	Er. Porch/Porch Cover
33885		Premier Fencing LLC	57 Rose St	Er. Fence
33886		Paramount Roofing	38 Palmer Pl	Re-Roof (V/L)
33887		Lori Licata	15 Petersbrook Cir	Er. Res. Alt.
33888		John Cavar	19 Hidden Meadow Cros	Er. Fence
33889		AMN General Contracting	21 Clark St	Re-Roof (V/L)
33890		Jake Oetinger	73 Wilma Dr	Er. Res. Alt. (V/L)
33891		James Beltz	5743 Broadway	Er. Fence
33892		Marrano/Marc Equity Corp.	9 Sedge Run	Er. Patio Home
33895		Anderson Water Systems, Inc.	26 Petersbrook Cir	Inst. Generator
33896		Glamour Pools	15 Clermont Ct	Er. Pool-In Grnd
33897		Aqua Systems of WNY	12 Sagebrush Ln	Inst. Ingrnd. Sprinkler
33898		Anthony Cervi	34 Nicholas Ln	Er. Shed
33899		Dwane Laufer	10 Summerfield Dr	Er. Shed
33901		Buffalo's Best Roofing	14 Idlebrook Ct	Re-Roof
33902		Glassco Management LLC	11 W Main St	Er. Comm. Add./Alt. (V/L)
33903		Matthew Reitnour	122 Michaels Walk	Er. Fence
33904		Gold Construction	9 Hemlock Ln	Re-Roof
33905		James Cudzil	8 Overton Ct	Er. Fence
33906		Ryan Emer	5285 Broadway	Demo Interior Bldg. (V/L)
33907		Bilt-Rite Concrete	13 Nottingham Ln	Er. Res. Alt.
33908		Besroi Construction	5434 Genesee St	Re-Roof
33910		Paul Wheeler	76 Pleasant View Dr	Er. Shed
33915		Five Star Roofing	11 Old Orchard Comm	Er. Res. Alt.
33917		Bradley Gibson	55 Kennedy Ct	Er. Fence
33924		All Pro Plumbing LLC	152 Central Ave	Inst. Res. Plumbing
33925		PCB Piezotronics, INC.	4355 Walden Ave	Er. Fence
33926		James Rogala	52 Lombardy St	Er. Fence (V/L)

RESOLVED, that the Building Permit Applications herein coded (CSW) for conditional sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance required for sidewalks, however, the waiver is granted upon the expressed condition that the Town of Lancaster, at any future date, reserves the right to order sidewalk installation at the expense of the property owner.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER BURKARD	VOTED
COUNCIL MEMBER DICKMAN	VOTED
COUNCIL MEMBER LEARY	VOTED
COUNCIL MEMBER MAZUR	VOTED
SUPERVISOR RUFFINO	VOTED

April 4, 2022

WHEREAS, the Town of Lancaster previously entered into an agreement with Greater Niagara Mechanical, Inc., to provide preventative inspection and maintenance services for the HVAC system located within the Town of Lancaster’s Public Safety (Police and Court) Building, and

WHEREAS, said contract expired according to its terms on March 31, 2022, and

WHEREAS, by letter dated March 16, 2022, Michelle Barbaro, has requested to continue the agreement for preventative inspection and maintenance services for the HVAC system located at the Lancaster Public Safety Building with Greater Niagara Mechanical, Inc, for another year, and

WHEREAS, funding for this service is available from the Town’s 2022 Buildings, Miscellaneous Contractual Services Budget (Line Item 01-1620-411).

NOW, THEREFORE,

BE IT RESOLVED, that the Town Board of the Town of Lancaster hereby approves and authorizes the Supervisor to execute the proposal between the Town of Lancaster and Greater Niagara Mechanical, Inc., to continue to provide preventative inspection and maintenance services to the HVAC system located within Town of Lancaster’s Public Safety (Police and Court) Building, commencing April 1, 2022 and terminating March 31, 2023 at a cost not to exceed \$4980.00 per their proposal dated March 15, 2022, and which will be paid for with funds available in the Town’s 2022 Buildings, Miscellaneous Contractual Services Budget (Line Item 01-1620-411).

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER BURKARD	VOTED
COUNCIL MEMBER DICKMAN	VOTED
COUNCIL MEMBER LEARY	VOTED
COUNCIL MEMBER MAZUR	VOTED
SUPERVISOR RUFFINO	VOTED

April 4, 2022

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR RUFFINO, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER, TO WIT:

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NOW, THEREFORE,
BE IT RESOLVED, that the Town Board of the Town of Lancaster hereby authorizes the Town Supervisor to execute on behalf of the Town of Lancaster, the 2022-23 CDBG Project Agreement – Senior Van with Power Lift Project, as presented, between the Town of Lancaster and Erie County Department of Environment and Planning, Division of Planning per the terms and conditions contained therein.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER BURKARD	VOTED
COUNCIL MEMBER DICKMAN	VOTED
COUNCIL MEMBER LEARY	VOTED
COUNCIL MEMBER MAZUR	VOTED
SUPERVISOR RUFFINO	VOTED

April 4, 2022

WHEREAS, the Municipal Home Rule Law of the State of New York and Chapter 23 of the Town of Lancaster provide for the adoption and enactment of local laws, and

WHEREAS, a proposed Local Law of the year 2022 has been introduced, entitled “**FLOOD DAMAGE PREVENTION REVISION**”, which will amend the Code of the Town of Lancaster by repealing the current “Chapter 182. Flood Damage Prevention,” within the Town of Lancaster’s Town Code in its entirety and replacing it with a newly revised “Chapter 182 Flood Damage Prevention” in order to comply with New York State requirements, and

WHEREAS, the proposed local law of 2022 shall be in the form attached hereto and made a part hereof, and

WHEREAS, pursuant to the Town of Lancaster Code and the Municipal Home Rule Law, a public hearing is required on the proposed Local Law.

NOW, THEREFORE,
BE IT RESOLVED, by the Town Board of the Town of Lancaster that:

1.

A public hearing for the proposed Local Law is hereby set for the 18th day of April 2022 at 7:15 o'clock P.M.
2.

The Town Clerk is directed to provide notice of the public hearing as required by law.
3.

This resolution is effective immediately.

The question of the adoption of the foregoing resolution was duly put to vote on roll call, which resulted as follows:

COUNCIL MEMBER BURKHART	VOTED
COUNCIL MEMBER DICKMAN	VOTED
COUNCIL MEMBER LEARY	VOTED
COUNCIL MEMBER MAZUR	VOTED
SUPERVISOR RUFFINO	VOTED

April 4, 2022

LEGAL NOTICE
PUBLIC HEARING
TOWN OF LANCASTER

LEGAL NOTICE IS HEREBY GIVEN, that pursuant to the Municipal Home Rule Law of the State of New York and Chapter 23 of the Code of the Town of Lancaster and pursuant to a resolution of the Town Board of the Town of Lancaster, adopted April 4, 2022, the said Town Board will hold a Public Hearing on the 18th day of April, 2022 at 7:15 o'clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, for the purposes of considering and possibly adopting a Local Law to amend the Town of Lancaster Town Code by repealing in its entirety the current Chapter 182 Flood Damage Prevention, and replacing it with a newly revised Chapter 182 Flood Damage Prevention in order to comply with New York State requirements. Copies of the proposed Local Law can be reviewed at Lancaster Town Hall, 21 Central Avenue, during normal business hours and on the Town's website <https://www.lancasterny.gov>. All interested members of the public shall be heard.

**BY ORDER OF THE TOWN BOARD
OF THE TOWN OF LANCASTER**

By: **DIANE M. TERRANOVA**
Town Clerk

April 7, 2022

Town of Lancaster
Local Law No. ____ of 2022

A Local Law for Flood Damage Prevention as authorized by the New York State Constitution, Article IX, Section 2, and Environmental Conservation Law, Article 36.

Be it hereby enacted by the Town Board of the Town of Lancaster as follows:

Section 1: Chapter 182, Flood Damage Prevention, of the Town of Lancaster Town Code is hereby deleted in its entirety.

Section 2: The Town of Lancaster Town Code is hereby amended to add Chapter 182 Flood Damage Prevention to the Code, in order to comply with New York State requirements, which will read in its entirety as follows:

Chapter 182. Flood Damage Prevention

Article I. Statutory Authorization and Purpose

§ 182-1 FINDINGS

The Town Board of the Town of Lancaster finds that the potential and/or actual damages from flooding and erosion may be a problem to the residents of the Town of Lancaster and that such damages may include: destruction or loss of private and public housing, damage to public facilities, both publicly and privately owned, and injury to and loss of human life. In order to minimize the threat of such damages and to achieve the purposes and objectives hereinafter set forth, this local law is adopted.

§ 182-1.2 STATEMENT OF PURPOSE

It is the purpose of this local law to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- (1) regulate uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities; and
- (2) require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction; and
- (3) control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters; and
- (4) control filling, grading, dredging, and other development which may increase erosion or flood damages; and
- (5) regulate the construction of flood barriers which will unnaturally divert flood waters, or which may increase flood hazards to other lands, and;
- (6) qualify for and maintain participation in the National Flood Insurance Program.

§ 182-1.3 OBJECTIVES

The objectives of this local law are:

- (1) to protect human life and health; and
- (2) to minimize expenditure of public money for costly flood control projects; and
- (3) to minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public; and
- (4) to minimize prolonged business interruptions; and

- (5) to minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, sewer lines, streets and bridges located in areas of special flood hazard; and
- (6) to help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas; and
- (7) to provide that developers are notified that property is in an area of special flood hazards, and;
- (8) to ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

Article II. Definitions

Unless specifically defined below, words or phrases used in this local law shall be interpreted so as to give them the meanings they have in common usage and to give this local law its most reasonable application.

Accessory Structure is a structure used solely for parking (two-car detached garages or smaller) or limited storage, represent minimal investment of not more than 10 percent of the value of the primary structure, and may not be used for human habilitation.

Appeal means a request for a review of the Local Administrator's interpretation of any provision of this Local Law or a request for a variance.

Area of shallow flooding means designated AO, AH or VO Zone on a community's Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average annual depth of one to three feet, where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Area of special flood hazard is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. This area may be designated as Zone A, AE, AH, AO, A1-A30, A99, V, VO, VE or V1-V30. It is also commonly referred to as the "base floodplain" or "100-year floodplain." For purposes of this Local Law, the term "special flood hazard area (SFHA)" is synonymous in meaning with the phrase "area of special flood hazard."

Base flood means the flood having a one-percent chance of being equaled or exceeded in any given year.

Basement means that portion of a building having its floor subgrade (below ground level) on all sides.

Building see "Structure".

Cellar has the same meaning as "Basement".

Crawl space means an enclosed area beneath the lowest elevated floor, 18 inches or more in height, which is used to service the underside of the lowest elevated floor. The elevation of the floor of this enclosed area, which may be of soil, gravel, concrete or other material, must be equal to or above the lowest adjacent exterior grade. The enclosed crawl space area shall be properly vented to allow for the equalization of hydrostatic forces which would be experienced during periods of flooding.

Critical facilities means:

- (1) Structures or facilities that produce, use, or store highly volatile, flammable, explosive, toxic and/or water-reactive materials; and
- (2) Hospitals, nursing homes, and housing likely to contain occupants who may not be sufficiently mobile to avoid death or injury during a flood; and
- (3) Police stations, fire stations, vehicle and equipment storage facilities, and emergency operations centers that are needed for flood response activities before, during, and after a flood; and
- (4) Public and private utility facilities that are vital to maintaining or restoring normal services to flooded areas before, during, and after a flood.

Cumulative Substantial Improvement means any reconstruction, rehabilitation, addition, or other improvement of a structure that equals or exceeds 50 percent of the market value of the structure at the time of the improvement or repair when counted cumulatively for 10 years.

Development means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, paving, excavation or drilling operations or storage of equipment or materials.

Elevated building means a non-basement building (i) built, on the case of a building in Zones A1-A30, AE, A, A99, AO, AH, B, C, X or D, to have the top of the elevated floor, or in the case of a building in Zones V1-V30, VE or V, to have the bottom of the lowest horizontal structure member of the elevated floor, elevated above the ground level by means of pilings, columns (posts and piers), or shear walls parallel to the flow of the water and (ii) adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In the case of Zone A1-A30, AE, A, A99, AO, AH, B, C, X or D, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters. In the case of Zone V1-V30, VE or V, "elevated building" also includes a building otherwise meeting the definition of "elevated building," even though the lower area is enclosed by means of breakaway walls that meet the federal standards.

Federal Emergency Management Agency means the federal agency that administers the National Flood Insurance Program.

Flood or **Flooding** means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) the overflow of inland or tidal waters;
- (2) the unusual and rapid accumulation or runoff of surface waters from any source.

"Flood" or "flooding" also means the collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water accompanied by a severe storm or by an unanticipated force of nature, such as a flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in Subsection (1)(a) above.

Flood Boundary and Floodway Map (FBFM) means an official map of the community published by the Federal Emergency Management Agency as part of a riverine community's Flood Insurance Study. The FBFM delineates a Regulatory Floodway along watercourses studied in detail in the Flood Insurance Study.

Flood Elevation Study means an examination, evaluation and determination of the flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of flood-related erosion hazards.

Flood Hazard Boundary Map (FHBM) means an official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the areas of special flood hazard have been designated as Zone A but no flood elevations are provided.

Flood Insurance Rate Map (FIRM) means an official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

Flood Insurance Study see "Flood Elevation Study."

Floodplain or **Flood-prone Area** means any land area susceptible to being inundated by water from any source (see definition of "Flooding").

Floodproofing means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Floodway has the same meaning as "Regulatory Floodway".

Functionally Dependent Use means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding and ship repair facilities. The term does not include long-term storage, manufacturing, sales or service facilities.

Highest Adjacent Grade means the highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.

Historic Structure means any structure that is:

- (1) listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (2) certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (3) individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- (4) individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - (i) by an approved state program as determined by the Secretary of the Interior or
 - (ii) directly by the Secretary of the Interior in states without approved programs.

Local Administrator is the person appointed by the community to administer and implement this Local Law by granting or denying development permits in accordance with its provisions. This person is often the Building Inspector, Code Enforcement Officer, or employee of an engineering department.

Lowest Floor means the lowest floor of the lowest enclosed area (including basement or cellar). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Local Law.

Manufactured Home means a structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term does not include a "Recreational Vehicle".

Manufactured Home Park or Subdivision means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Mean Sea Level means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929, the North American Vertical Datum of 1988 (NAVD 88), or the other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

Mobile Home has the same meaning as "Manufactured Home".

New Construction means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by the community and includes any subsequent improvements to such structure.

One-Hundred-Year Flood or "100-Year Flood" has the same meaning as "Base Flood".

Principally Above Ground means that at least 51 percent of the actual cash value of the structure, excluding land value, is above ground.

Recreational Vehicle means a vehicle which is:

- (1) built on a single chassis;
- (2) 400 square feet or less when measured at the largest horizontal projections;
- (3) designed to be self-propelled or permanently towable by a light-duty truck; and
- (4) not designed primarily for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

Regulatory Floodway means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height as determined by the Federal Emergency Management Agency in a Flood Insurance Study or by other agencies as provided in § 182-4.2 of this Local Law.

Start of Construction means the date of permit issuance for new construction and substantial improvements to existing structures, provided that actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement is within 180 days after the date of issuance. The actual start of construction means the first placement of a permanent construction of a building (including a manufactured home) on a site, such as the pouring of a slab or footings, installation of pilings, or construction of columns.

Permanent construction does not include land preparation (such as clearing, excavation, grading, or filling), or the installation of streets or walkways, or excavation for a basement, footing, piers or foundations, or the erection of temporary forms, or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main building. For a substantial improvement, the actual “start of construction” means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure means a walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.

Substantial Damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. Substantial damage also means flood-related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.

Substantial Improvement means any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the “start of construction” of the improvement. Substantial improvement also means “cumulative substantial improvement.” The term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

- (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
- (2) Any alteration of a “Historic structure”, provided that the alteration will not preclude the structure's continued designation as a “Historic structure”.

Variance means a grant of relief from the requirements of this Local Law which permits construction or use in a manner that would otherwise be prohibited by this Local Law.

Violation means the failure of a structure or other development to be fully compliant with the community’s flood plain management regulations.

Article III. General Provisions

§ 182-3.1 LANDS TO WHICH THIS LOCAL LAW APPLIES

This Local Law shall apply to all areas of special flood hazard within the jurisdiction of the Town of Lancaster.

§ 182-3.2 BASIS FOR ESTABLISHING AREAS OF SPECIAL FLOOD HAZARD

The areas of special flood hazard for the **Town of Lancaster, Community Number 360249** are identified and defined on the following documents prepared by the Federal Emergency Management Agency:

- (1) Flood Insurance Rate Map Panel Numbers:

36029C0229H, 36029C0233H, 36029C0234H, 36029C0237H, 36029C0239H, 36029C0241H, 36029C0242H, 36029C0243H, 36029C0244H, 36029C0253H, 36029C0254H, 36029C0261H, 36029C0262H, 36029C0263H, 36029C0264H, 36029C0352H, 36029C0356H, 36029C0357H, 36029C0376H, 36029C0377H

whose effective date is June 7, 2019, and any subsequent revisions to these map panels that do not affect areas under our community's jurisdiction.

- (2) A scientific and engineering report entitled "Flood Insurance Study, Erie County, New York, (All Jurisdictions)" dated June 7, 2019.
- (3) Letter of Map Revision (LOMR), Case No.: 20-02-1556P, effective May 17, 2022, revising FIRM panels: 36029C0241H & 36029C0242H, dated June 7, 2019.

The above documents are hereby adopted and declared to be a part of this Local Law.
The Flood Insurance Study and/or maps are on file at:
Town of Lancaster Building and Zoning Department, 21 Central Avenue, Lancaster,
NY.

§ 182-3.3 INTERPRETATION AND CONFLICT WITH OTHER LAWS

This Local Law includes all revisions to the National Flood Insurance Program through October 27, 1997 and shall supersede all previous laws adopted for the purpose of flood damage prevention.

In their interpretation and application, the provisions of this Local Law shall be held to be minimum requirements, adopted for the promotion of the public health, safety, and welfare. Whenever the requirements of this Local Law are at variance with the requirements of any other lawfully adopted rules, regulations, or ordinances, the most restrictive, or that imposing the highest standards, shall govern.

§ 182-3.4 SEVERABILITY

The invalidity of any section or provision of this Local Law shall not invalidate any other section or provision thereof.

§ 182-3.5 PENALTIES FOR NON-COMPLIANCE

No structure in an area of special flood hazard shall hereafter be constructed, located, extended, converted, or altered and no land shall be excavated or filled without full compliance with the terms of this Local Law and any other applicable regulations. Any infraction of the provisions of this Local Law by failure to comply with any of its requirements, including infractions of conditions and safeguards established in connection with conditions of the permit, shall constitute a violation. Any person who violates this Local Law or fails to comply with any of its requirements shall, upon conviction thereof, be fined no more than \$250 or imprisoned for not more than 15 days or both. Each day of noncompliance shall be considered a separate offense. Nothing herein contained shall prevent the Town of Lancaster from taking such other lawful action as necessary to prevent or remedy an infraction. Any structure found not compliant with the requirements of this Local Law for which the developer and/or owner has not applied for and received an approved variance under Article VI will be declared non-compliant and notification sent to the Federal Emergency Management Agency.

§ 182-3.6 WARNING AND DISCLAIMER OF LIABILITY

The degree of flood protection required by this Local Law is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This Local Law does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This Local Law shall not create liability on the part of the Town of Lancaster, any officer or employee thereof, or the Federal Emergency Management Agency, for any flood damages that result from reliance on this Local Law or any administrative decision lawfully made there under.

Article IV Administration

§ 182-4.1 DESIGNATION OF LOCAL ADMINISTRATOR

The Town of Lancaster Code Enforcement Officer is hereby appointed Local Administrator to administer and implement this Local Law by granting or denying floodplain development permits in accordance with its provisions.

§ 182-4.2 THE FLOODPLAIN DEVELOPMENT PERMIT

1. PURPOSE

A floodplain development permit is hereby established for all construction and other development to be undertaken in areas of special flood hazard in this community for the purpose of protecting its citizens from increased flood hazards and ensuring that new development is constructed in a manner that minimizes its exposure to flooding. It shall be unlawful to undertake any development in an area of special flood hazard, as shown on the Flood Insurance Rate Map enumerated in § 182-3.2, without a valid floodplain development permit. Application for a permit shall be made on forms furnished by the

Local Administrator and may include but not be limited to: plans, in duplicate, drawn to scale and showing: the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing.

2. FEES

All applications for a floodplain development permit shall be accompanied by an application fee of \$300. In addition, the applicant shall be responsible for reimbursing the Town of Lancaster for any additional costs necessary for review, inspection, and approval of this project. The Local Administrator may require a deposit of not more than \$500 to cover these additional costs.

§ 182-4.3 APPLICATION FOR A PERMIT

The applicant shall provide the following information as appropriate, Additional information may be required on the permit application form:

- (1) The proposed elevation, in relation to mean sea level, of the lowest floor (including basement or cellar) of any new or substantially improved residential structure to be located in a special flood hazard area. Upon completion of the lowest floor, the permittee shall submit to the Local Administrator the as-built elevation, certified by a licensed professional engineer or surveyor.
- (2) The proposed elevation, in relation to mean sea level, to the lowest floor (including basement or cellar) of any new or substantially improved non-residential structure to be located in Zones A1-A30, AE, or AH or Zone A if base flood elevation data are available. Upon completion of the lowest floor, the permittee shall submit to the Local Administrator the as-built elevation, certified by a professional engineer or surveyor.
- (3) The proposed elevation, in relation to mean sea level, to which any new or substantially improved non-residential structure will be floodproofed. Upon completion of the floodproofed portion of the structure, the permittee shall submit to the Local Administrator the as-built floodproofed elevation, certified by a professional engineer or surveyor.
- (4) A certificate from a licensed professional engineer or architect that any utility floodproofing will meet the criteria in **§ 182-5.2(3), UTILITIES**.
- (5) A certificate from a licensed professional engineer or architect that any nonresidential flood-proofed structure will meet the flood-proofing criteria in **§ 182-5.4, NON-RESIDENTIAL STRUCTURES**.
- (6) A description of the extent to which any watercourse will be altered or relocated as a result of proposed development. Computations by a licensed professional engineer must be submitted that demonstrate that the altered or relocated segment will provide equal or greater conveyance than the original stream segment. The applicant must submit any maps, computations or other material required by the Federal Emergency Management Agency (FEMA) to revise the documents enumerated in **§ 182-3.2**, when notified by the Local Administrator, and must pay any fees or other costs assessed by FEMA for this purpose. The applicant must also provide assurances that the conveyance capacity of the altered or relocated stream segment will be maintained.
- (7) A technical analysis, by a licensed professional engineer, if required by the Local Administrator, which shows whether proposed development to be located in an area of special flood hazard may result in physical damage to any other property.
- (8) In Zone A, when no base flood elevation data is available from other sources, base flood elevation data shall be provided by the permit applicant for subdivision proposals and other proposed developments (including proposals for manufactured home and recreational vehicle parks and subdivisions) that are greater than either 50 lots or 5 acres.

§ 182-4.4 DUTIES AND RESPONSIBILITIES OF THE LOCAL ADMINISTRATOR

Duties of the Local Administrator shall include but not be limited to the following:

1. PERMIT APPLICATION REVIEW

The Local Administrator shall conduct the following permit application review before issuing a floodplain development permit:

- (1) Review all applications for completeness, particularly with the requirements of **§ 182-4.3, APPLICATION FOR A PERMIT**, and for compliance with the provisions and standards of this Local Law.
- (2) Review subdivision and other proposed new development, including manufactured home parks to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is located in an area of special flood hazard, all new construction and substantial improvements shall meet the applicable standards of **Article V, CONSTRUCTION STANDARDS** and, in particular, **§ 182-5.1(1), SUBDIVISION PROPOSALS**.
- (3) Determine whether any proposed development in an area of special flood hazard may result in physical damage to any other property (e.g., stream bank erosion and increased flood velocities). The Local Administrator may require the applicant to submit additional technical analyses and data necessary to complete the determination.

If the proposed development may result in physical damage to any other property or fails to meet the requirements of **Article V, CONSTRUCTION STANDARDS**, no permit shall be issued. The applicant may revise the application to include measures that mitigate or eliminate the adverse effects and re-submit the application.

- (4) Determine that all necessary permits have been received from those governmental agencies from which approval is required by State or Federal law.

2. USE OF OTHER FLOOD DATA

- (1) When the Federal Emergency Management Agency has designated areas of special flood hazard on the community's Flood Insurance Rate Map (FIRM) but has neither produced water surface elevation data (these areas are designated Zone A or V on the FIRM) nor identified a floodway, the Local Administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source, including data developed pursuant to **§ 182-4.3(7)**, as criteria for requiring that new construction, substantial improvements or other proposed development meet the requirements of this Local Law.
- (2) When base flood elevation data are not available, the Local Administrator may use flood information from any other authoritative source, such as historical data, to establish flood elevations within the areas of special flood hazard, for the purposes of this Local Law.
- (3) When an area of special flood hazard, base flood elevation, and/or floodway data are available from a Federal, State or other authoritative source, but differ from the data in the documents enumerated in **§ 182-3.2**, the Local Administrator may reasonably, utilize the other flood information to enforce more restrictive development standards.

3. ALTERATION OF WATERCOURSES

- (1) Notify adjacent municipalities that may be affected and the New York State Department of Environmental Conservation prior to permitting any alteration or relocation of a watercourse and submit evidence of such notification to the Regional Administrator, Region II, Federal Emergency Management Agency.
- (2) Determine that the permit holder has provided for maintenance within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

4. CONSTRUCTION STAGE

- (1) Zones, A1-A30, AE, and AH and also Zone A, if base flood elevation data is available, upon placement of the lowest floor or completion of floodproofing of a new or substantially improved structure, obtain from the permit holder a certification of the as-built elevation of the lowest floor or floodproofed elevation in relation to mean sea level. The certificate shall be prepared by or under the direct supervision of a licensed land surveyor or professional engineer and certified by same. For manufactured homes, the permit holder shall submit the certificate of elevation upon placement of the structure on the site. A certificate of elevation must also be submitted for a recreational vehicle if it remains on a site for 180 consecutive days or longer (unless it is fully licensed and ready for highway use).
- (2) Any further work undertaken prior to submission and approval of the certification shall be at the permit holder's risk. The Local Administrator shall review all data submitted. Deficiencies detected shall be cause to issue a stop-work order for the project unless immediately corrected.

5. INSPECTIONS

The Local Administrator and/or the developer's engineer or architect shall make periodic inspections at appropriate times throughout the period of construction in order to monitor compliance with permit conditions and enable said inspector to certify, if requested, that the development is in compliance with the requirements of the floodplain development permit and/or any variance provisions.

6. STOP WORK ORDERS

- (1) The Local Administrator shall issue or cause to be issued a stop-work order for any floodplain development found ongoing without a development permit. Disregard of a stop-work order shall subject the violator to the penalties described in § 182-3.5 of this Local Law.
- (2) The Local Administrator shall issue or cause to be issued a stop-work order for any floodplain development found non-compliant with the provisions of this Local Law and/or the conditions of the development permit. Disregard of a stop-work order shall subject the violator to the penalties described in § 182-3.5 of this Local Law.

7. CERTIFICATE OF COMPLIANCE

- (1) In areas of special flood hazard, as determined by documents enumerated in § 182-3.2, it shall be unlawful to occupy or to permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted or wholly or partly altered or enlarged in its use or structure until a certificate of compliance has been issued by the Local Administrator stating that the building or land conforms to the requirements of this Local Law.
- (2) A certificate of compliance shall be issued by the Local Administrator upon satisfactory completion of all development in areas of special flood hazard.
- (3) Issuance of the certificate shall be based upon the inspections conducted as prescribed in § 182-4.4(5), INSPECTIONS, and/or any certified elevations, hydraulic data, floodproofing, anchoring requirements or encroachment analyses which may have been required as a condition of the approved permit.

8. INFORMATION TO BE RETAINED.

The Local Administrator shall retain and make available for inspection, copies of the following:

- (1) Floodplain development permits and certificates of compliance;
- (2) Certificates of as-built lowest floor elevations of structures, required pursuant to § 182-4.4(4)(1) and (2), and whether or not the structures contain a basement;
- (3) Floodproofing certificates required pursuant to § 182-4.4(4)(1) and whether or not the structures contain a basement;
- (4) Variances issued pursuant to **Article VI, VARIANCE PROCEDURES**; and,
- (5) Notices required under § 182-4.4(3), **ALTERATION OF WATERCOURSES**.

Article V Construction Standards

§ 182-5.1 GENERAL STANDARDS

The following standards apply to new development, including new and substantially improved structures, in the areas of special flood hazard shown on the Flood Insurance Rate Map designated in § 182-3.2:

1. SUBDIVISION PROPOSALS

The following standards apply to all new subdivision proposals and other proposed development in areas of special flood hazard (including proposals for manufactured home and recreational vehicle parks and subdivisions):

- (1) Proposals shall be consistent with the need to minimize flood damage; and
- (2) Public utilities and facilities, such as sewer, gas, electrical and water systems, shall be located and constructed so as to minimize flood damage; and
- (3) Adequate drainage shall be provided to reduce exposure to flood damage.

2. ENCROACHMENTS.

- (1) Within Zones A1-A30 and AE, on streams without a regulatory floodway, no new construction, substantial improvements or other development (including fill) shall be permitted unless:
 - (i) The applicant demonstrates that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any location, or
 - (ii) The Town of Lancaster agrees to apply to the Federal Emergency Management Agency (FEMA) for a conditional FIRM revision, FEMA approval is received, and the applicant provides all necessary data, analyses and mapping and reimburses the Town of Lancaster for all fees and other costs in relation to the application. The applicant must also provide all data, analyses and mapping and reimburse the Town of Lancaster for all costs related to the final map revision.
- (2) On streams with a regulatory floodway, as shown on the Flood Boundary and Floodway Map or the Flood Insurance Rate Map adopted in § 182-3.2, no new construction, substantial improvements or other development in the floodway (including fill) shall be permitted unless:
 - (i) A technical evaluation by a licensed professional engineer demonstrates through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that such an encroachment shall not result in any increase in flood levels during occurrence of the base flood, or,
 - (ii) The Town of Lancaster agrees to apply to the Federal Emergency Management Agency (FEMA) for a conditional FIRM and floodway revision, FEMA approval is received and the applicant provides all necessary data, analyses and mapping and reimburses the Town of Lancaster for all fees and other costs in relation to the application. The applicant must also provide all data, analyses and mapping and reimburse the Town of Lancaster for all costs related to the final map revision.
- (3) In Zones A1-A30, AE and AH, and also Zone A if base flood elevation data are available, if any development is found to increase or decrease base flood elevations, the Town of Lancaster shall as soon as practicable, but not later than six (6) months after the date such information becomes available, notify FEMA and the New York State Department of Environmental Conservation of the changes by submitting technical or scientific data in accordance with standard engineering practice.
- (4) Whenever any portion of a floodplain is authorized for development, the volume of space occupied by the authorized fill or structure below the base flood elevation shall be compensated for and balanced by a hydraulically equivalent volume of excavation taken from below the base flood elevation at or adjacent to the development site. All such excavations shall be constructed to drain freely to the watercourse. No area below the waterline of a pond or other body of water can be credited as a compensating excavation.

§ 182-5.2 STANDARDS FOR ALL STRUCTURES.

The following standards apply to new development, including new and substantially improved structures, in the areas of special flood hazard shown on the Flood Insurance Rate Map designated in § 182-3.2.

1. ANCHORING

New structures and substantial improvement to structures in areas of special flood hazard shall be anchored to prevent flotation, collapse or lateral movement during the base flood. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.

2. CONSTRUCTION MATERIALS AND METHODS

- (1) New construction and substantial improvements to structures shall be constructed with materials and utility equipment resistant to flood damage.
- (2) New construction and substantial improvements to structures shall be constructed using methods and practices that minimize flood damage.
- (3) For enclosed areas below the lowest floor of a structure within Zone A1-A30, AE, AO or A, new and substantially improved structures shall have fully enclosed areas below the lowest floor that are useable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding, designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood waters. Designs for meeting this requirement must either be certified by a licensed professional engineer or architect or meet or exceed the follow-in minimum criteria:
 - (i) A minimum of two (2) openings of each enclosed area having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding, and
 - (ii) The bottom of all such openings no higher than one foot above the lowest adjacent finished grade; and
 - (iii) Openings shall not be less than three inches in any direction.

Openings may be equipped with louvers, valves, screens or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters. Enclosed areas subgrade on all sides are considered basements and are not permitted.

3. UTILITIES

- (1) New and replacement electrical equipment, heating, ventilating, air conditioning, plumbing connections, and other service equipment shall be located at least two feet above the base flood elevation, or at least three feet above the highest adjacent grade in a Zone A without an available base flood elevation where permitted or be designed to prevent water from entering and accumulating within the components during a flood and to resist hydrostatic and hydrodynamic loads and stresses. Electrical wiring and outlets, switches, junction boxes and panels shall be elevated or designed to prevent water from entering and accumulating within the components unless they conform to the appropriate provisions of the electrical part of the Building Code of New York State or the Residential Code of New York State for location of such items in wet locations.
- (2) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- (3) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters. Sanitary sewer and storm drainage systems for buildings that have openings below the base flood elevation shall be provided with automatic backflow valves or other automatic backflow devices that are installed in each discharge line passing through a building's exterior wall; and
- (4) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

4. STORAGE TANKS.

- (1) Underground tanks shall be anchored to prevent flotation, collapse and lateral movement during conditions of the base flood.
- (2) Above-ground tanks shall be:

- a. anchored to prevent floatation, collapse or lateral movement during conditions of the base flood or;
- b. Installed at or above the base flood elevation as shown on the Flood Insurance Rate Map enumerated in § 182-3.2 plus two feet.

§182-5.3 RESIDENTIAL STRUCTURES

1. ELEVATION

The following standards apply to new and substantially improved residential structures located in areas of special flood hazard, in addition to the requirements in § 182-5.1(1) **SUBDIVISION PROPOSALS**, and § 182-5.1(2), **ENCROACHMENTS**, and §182-5.2, **STANDARDS FOR ALL STRUCTURES** as indicated:

- (1) Within Special Flood Hazard Areas, new construction and substantial improvements shall have the lowest floor (including basement) elevated to or above two (2) feet above the base flood elevation.
- (2) Within Zone A, if the base flood elevation is not specified, a base flood elevation shall be determined by either of the following:
 - a. Obtain and reasonably use data available from a federal, state or other source plus two (2) feet of freeboard or;
 - b. Determine the base flood elevation in accordance with accepted hydrologic and hydraulic engineering practices, plus freeboard. Determinations shall be undertaken by a registered design professional who shall be documented that the technical methods used reflect currently accepted engineering practices. Studies, analyses, and computations shall be submitted in sufficient detail to allow thorough review and approval.
- (3) Within Zone AO, new construction and substantial improvements shall have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's Flood Insurance Rate Map enumerated in § 182-3.2 plus two feet of freeboard, or not less than three (3) feet if a depth number is not specified.
- (4) Within Zones AH and AO, adequate drainage paths are required to guide flood waters around and away from proposed structures on slopes.

§ 182-5.4 NON-RESIDENTIAL STRUCTURES

The following standards apply to new and substantially improved commercial, industrial and other non-residential structures located in areas of special flood hazard, in addition to the requirements in § 182-5.1(1), **SUBDIVISION PROPOSALS**, and 5.1(2), **ENCROACHMENTS**, and § 182-5.2, **STANDARDS FOR ALL STRUCTURES**.

- (1) Within Zones A1-A30, AE and AH and also Zone A, if base flood elevation data is available, new construction and substantial improvements of any non-residential structure shall either:
 - (i) Have the lowest floor, including basement or cellar, elevated to or above two feet above the base flood elevations; or
 - (ii) Be floodproofed so that the structure is watertight below two feet above the base flood elevation, including attendant utility and sanitary facilities, with walls substantially impermeable to the passage of water. All structural components located below the base flood level must be capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy.
- (2) Within Zone AO, new construction and substantial improvements of nonresidential structures shall:
 - (i) Have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM plus two feet (at least three feet if no depth number is specified), or
 - (ii) Together with attendant utility and sanitary facilities, be completely floodproofed to that level to meet the floodproofing standard specified in § 182-5.4(1)(ii).
- (3) If the structure is to be floodproofed, a licensed professional engineer or architect shall develop and/or review structural design, specifications and plans for construction. A Floodproofing Certificate or other certification shall be provided to the Local Administrator that certifies that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of §

182-5.4(1)(ii) including the specific elevation (in relation to mean sea level) to which the structure is to be floodproofed.

- (4) Within Zones AH and AO, adequate drainage paths are required to guide flood waters around and away from proposed structures on slopes.
- (5) Within Zone A, when no base flood elevation data is available, the lowest floor (including basement) shall be elevated at least three feet above the highest adjacent grade.

§ 182-5.5 MANUFACTURED HOMES AND RECREATIONAL VEHICLES

The following standards, in addition to the standards in § 182-5.1, **GENERAL STANDARDS**, and § 182-5.2, **STANDARDS FOR ALL STRUCTURES** apply, as indicated, in areas of special flood hazard to manufactured homes and to recreational vehicles which are located in areas of special flood hazard.

- (1) Recreational vehicles placed on sites within Zones A1-A30, AE and AH shall either:
 - (i) Be on site fewer than 180 consecutive days;
 - (ii) Be fully licensed and ready for highway use; or
 - (iii) Meet the requirements for manufactured homes in paragraphs § 182-5.5(2), (3) and (4).

A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices and has no permanently attached additions.

- (2) A manufactured home that is placed or substantially improved in Zones A1-A30, AE and AH and Zone A shall be elevated on a permanent foundation such that the bottom of the frame of the manufactured home chassis is elevated to or above two feet above the base flood elevation and is securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.
- (3) Within Zone AO, the bottom of the frame of the manufactured home chassis shall be elevated above the highest adjacent grade at least as high as the depth number specified on the Flood Insurance Rate Map enumerated in § 182-3.2 plus two feet (at least three feet if no depth number is specified).
- (4) The foundation and anchorage of manufactured homes to be located in identified floodways shall be designed and constructed in accordance with § 182-5.2(1), **ANCHORING**.

§ 182-5.6 ACCESSORY STRUCTURES INCLUDING DETACHED GARAGES

The following standards apply to new and substantially improved accessory structures, including detached garages, in the areas of special flood hazard shown on the Flood Insurance Rate Map designated in § 182-3.2.

- (1) Within Zones A1-A30, AE, AO , AH, and A, accessory structures must meet the standards of Section § 182-5.2(1), **ANCHORING**.
- (2) Within Zones A1-A30, AE, and AH, and also Zone A, if base flood elevation data are available, areas below two feet above the base flood elevation shall be constructed using methods and practices that minimize flood damage.
- (3) Within Zones AO and Zone A, if base flood elevation data are not available, areas below three feet above the highest adjacent grade shall be constructed using methods and practices that minimize flood damage.
- (4) Structures must be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for entry and exit of flood waters in accordance with § 182-5.2(2)(3).
- (5) Utilities must meet the requirements of § 182-5.2(3), **Utilities**.

§ 182-5.7 CRITICAL FACILITIES

In order to prevent potential flood damage to certain facilities that would result in serious danger to life and health, or widespread social or economic dislocation, no new critical facility shall be located within any Area of Special Flood Hazard, or within any 500-year flood zone shown as a B zone or a Shaded X zone on the Community's Flood Insurance Rate Maps.

Article VI Variance Procedures

§ 182-6.1 APPEALS BOARD

- (1) The Zoning Board of Appeals as established by the Town Board of the Town of Lancaster shall hear and decide appeals and requests for variances from the requirements of this Local Law.
- (2) The Zoning Board of Appeals shall hear and decide appeals when it is alleged that there is an error in any requirement, decision or determination made by the Local Administrator in the enforcement or administration of this Local Law.
- (3) Those aggrieved by the decision of the Zoning Board of Appeals may appeal such decision to the Supreme Court pursuant to Article 78 of the Civil Practice Law and Rules.
- (4) In passing upon such applications, the Zoning Board of Appeals, shall consider all technical evaluations, all relevant factors, standards specified in other sections of this Local Law and:
 - (i) the danger that materials may be swept onto other lands to the injury of others; and
 - (ii) the danger to life and property due to flooding or erosion damage; and
 - (iii) the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner; and
 - (iv) the importance of the services provided by the proposed facility to the community; and
 - (v) the necessity to the facility of a waterfront location, where applicable; and
 - (vi) the availability of alternative locations for the proposed use which are not subject to flooding or erosion damage; and
 - (vii) the compatibility of the proposed use with existing and anticipated development; and
 - (viii) the relationship of the proposed use to the Comprehensive Plan and floodplain management program of that area; and
 - (ix) the safety of access to the property in times of flood for ordinary and emergency vehicles.
 - (x) the costs to local governments and the dangers associated with conducting search and rescue operations during periods of flooding; and
 - (xi) the expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and
 - (xii) the costs of providing governmental services during and after flood conditions including search and rescue operations, maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems and streets and bridges.
- (5) Upon consideration of the factors of **§ 182-6.1(4)** and the purposes of this Local Law, the Zoning Board of Appeals may attach such conditions to the granting of variances as it deems necessary to further the purposes of this Local Law.
- (6) The Local Administrator shall maintain the records of all appeal actions, including technical information and report any variances to the Federal Emergency Management Agency upon request.

§ 182-6.2 CONDITIONS FOR VARIANCES

- (1) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items (i-xii) in **§ 182-6.1(4)** have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.

- (2) Variances may be issued for the repair or rehabilitation of historic structures upon determination that:
 - (i) the proposed repair or rehabilitation will not preclude the structure's continued designation as an "historic structure"; and
 - (ii) the variance is the minimum necessary to preserve the historic character and design of the structure.
- (3) Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that:
 - (i) The criteria of subparagraphs 1, 4, 5, and 6 of this Section are met; and
 - (ii) The structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threat to public safety.
- (4) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- (5) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- (6) Variances shall only be issued upon receiving written justification of:
 - (i) A showing of good and sufficient cause;
 - (ii) A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
 - (ii) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
- (7) Any applicant to whom a variance is granted for a building with the lowest floor below the base flood elevation shall be given written notice over the signature of a community official that:
 - (i) The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage; and
 - (ii) Such construction below the base flood level increases risks to life and property.

Such notification shall be maintained with the record of all variance actions as required in § 182-4.4(8) this Local Law.

Section 3: Severability. Should any provision of this Local Law be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of this Local Law as a whole or any part thereof other than the part so decided to be unconstitutional or invalid.

Section 4: Effective Date. This Local Law shall be effective upon its filing with the Secretary of State in accordance with the Municipal Home Rule Law.

WHEREAS, Nathan A. Lefort, a technician with the U.S. Department of Agriculture’s (“USDA”) Animal and Plant Health Inspection Service, European Cherry Fruit Fly Program, by email dated March 9, 2022, has requested permission to survey and trap the European Cherry Fruit Fly on select locations within the Town of Lancaster which may include Town-owned property, and

WHEREAS, within the same email, Nathan Lefort is also requesting permission on behalf of the USDA to survey the Box Tree Moth on select properties which may also be Town-owned, and

WHEREAS, the information provided was reviewed and approved by the Town Attorney’s Office and there were no objections or restrictions submitted by any Board Member or Department Head regarding this request, and

WHEREAS, after due review and consideration, the Town Board of the Town of Lancaster deems it in public interest to grant Mr. Lefort’s request on behalf of the USDA.

NOW, THEREFORE,
BE IT RESOLVED, that the Town Board of the Town of Lancaster hereby grants permission to Mr. Nathan A. Lefort to access Town-owned property to survey and trap the European Cherry Fruit Fly and to survey the Box Tree Moth as a technician for the U.S. Department of Agriculture Animal and Plant Health Inspection Service, and

BE IT FURTHER,
RESOLVED, that the Supervisor is hereby authorized to execute the Property Access Request Forms for the European Cherry Fruit Fly and the Box Tree Moth on behalf of the Town of Lancaster.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER BURKARD	VOTED
COUNCIL MEMBER DICKMAN	VOTED
COUNCIL MEMBER LEARY	VOTED
COUNCIL MEMBER MAZUR	VOTED
SUPERVISOR RUFFINO	VOTED

April 4, 2022

WHEREAS, the Town of Lancaster Highway Superintendent, John Pilato, by letter dated March 7, 2022, has requested the purchase of **one (1) new and unused SAS 200 Soil and Asphalt Spreader (#7396290) with Kit Side Wing Option (#7403712) and Kit Control Panel (#7415330)** for use by the Highway Department, and

WHEREAS, this soil and asphalt spreader is available under New York State Contract PC69396 Group 40625 Award No. PGB-22792, from New York State Contractor Clark Equipment Company d/b/a Bobcat Company, through Authorized Reseller Bobcat of Buffalo, for a cost of \$11,882.48, per their quote dated March 4, 2022 (#37389D037719), which eliminates the need for competitive bidding pursuant to §103 of General Municipal Law, and

WHEREAS, the Town Board deems it in the public interest to approve the purchase of the **one (1) new and unused SAS 200 Soil and Asphalt Spreader with Kit Side Wing Option and Kit Control Panel** from Bobcat of Buffalo.

NOW, THEREFORE,
BE IT RESOLVED, as follows:
The Town Board of the Town of Lancaster hereby approves the purchase of **one (1) new and unused SAS 200 Soil and Asphalt Spreader (#7396290) with Kit Side Wing Option (#7403712) and Kit Control Panel (#7415330)** off of New York State Contract PC69396, Group 40625 Award No. PGB-22792, from the 2022 approved State contractor Clark Equipment Company d/b/a Bobcat Company, through Authorized Reseller Bobcat of Buffalo, 6830 South Transit Road, Lockport, New York, as proposed by the Town of Lancaster Highway Superintendent, and

BE IT FURTHER,
RESOLVED, that the Highway Superintendent is authorized to sign and accept the quote dated March 4, 2022 (#37389D037719), from Bobcat of Buffalo. for an amount not to exceed \$11,882.48 and which shall be paid for with funds approved in the March 15, 2021, Highway Department Acquisition of Equipment & Machinery Bond Resolution.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER BURKARD	VOTED
COUNCIL MEMBER DICKMAN	VOTED
COUNCIL MEMBER LEARY	VOTED
COUNCIL MEMBER MAZUR	VOTED
SUPERVISOR RUFFINO	VOTED

WHEREAS, Town of Lancaster Highway Superintendent, John Pilato, by letter dated February 25, 2022, has requested the purchase of **one (1) new and unused 2023 Western Star 4700SB Truck Cab & Chassis with Viking Cives Equipment** for use by the Highway Department, and

WHEREAS, the above-referenced truck cab and chassis are available for purchase through the Cattaraugus County DPW Bid No. 72, Class 8, Dump Truck/Plow Truck, utilizing the New York State “PiggyBacking” Law through authorized bid vendor Fleet Maintenance, Inc., at cost of \$283,598.00 per their quote dated February 22, 2022, which eliminates the need for competitive bidding pursuant to the requirements of General Municipal Law 103. (1), and

WHEREAS, the Town Board deems it in the public interest to approve the purchase of the one (1) new and unused 2023 Western Star 4700SB Truck Cabs & Chassis with Viking Cives Equipment for in the amount of **\$283,598.00** from Fleet Maintenance, Inc.

NOW, THEREFORE,
BE IT RESOLVED, as follows:
That the Town Board of the Town of Lancaster hereby approves the purchase of **one (1) new and unused 2023 Western Star 4700SB Truck Cab & Chassis with Viking Cives Equipment** through the Cattaraugus County DPW Bid No. 72, Class 8, Dump Truck/Plow Truck Contract, from 2022 authorized vendor, Fleet Maintenance, Inc., 67 Ransier Drive, West Seneca, New York 14224, utilizing New York State’s “PiggyBacking Law” as proposed by the Superintendent of Highways, and

BE IT FURTHER,
RESOLVED, that the Highway Superintendent is authorized to sign and accept the quote dated February 22, 2022 from Fleet Maintenance, Inc. for an amount not to exceed \$283,598.00 and which shall be paid for with funds approved in the March 15, 2021 Highway Department Acquisition of Equipment & Machinery Bond Resolution .

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER BURKARD	VOTED
COUNCIL MEMBER DICKMAN	VOTED
COUNCIL MEMBER LEARY	VOTED
COUNCIL MEMBER MAZUR	VOTED
SUPERVISOR RUFFINO	VOTED

WHEREAS, §467 of the Real Property Tax Law of the State of New York permits the Town to grant a partial exemption from real property taxation for persons sixty-five (65) year of age or older, on a graduated scale based upon income, and

WHEREAS, Erie County has increased the income limit for low-income senior citizens and the Town of Lancaster has been asked to modify its current income limits to match those set by Erie County, and

WHEREAS, the effect of the increase in income eligibility will not place any undue burden on the taxpaying public, but will materially improve the economic ability of our senior citizens to cope with the ravages of inflation while living on a fixed income, and

WHEREAS, the Town Board is considering authorizing a partial exemption from real property taxation for persons sixty-five (65) years of age or older, on a graduated scale based upon income as follows:

<u>ANNUAL INCOME</u>	<u>PERCENTAGE ASSESSED VALUATION EXEMPT FROM TAXATION</u>
Not More than \$29,000	50 per centum
More than \$29,000 but Less than \$30,000	45 per centum
More than \$30,000 but Less than \$31,000	40 per centum
More than \$31,000 but Les than \$32,000	35 per centum
More than \$32,000 but Less than \$32,900	30 per centum
More than \$32,900 but Less than \$33,800	25 per centum
More than \$33,800 but Less than \$34,700	20 per centum
More than \$34,700 but Less than \$35,600	15 per centum
More than \$35,600 but Less than \$36,500	10 per centum
More than \$36,500 but Less than \$37,400	5 per centum

NOW, THEREFORE,
BE IT RESOLVED, that pursuant to Section 467 of the Real Property Tax Law of the State of New York, a Public Hearing on the enactment by resolution of a senior citizens tax exemption will be held at the Lancaster Town Hall, 21 Central Avenue, Lancaster, New York, on the 18th of April, 2022 at 7:15 o'clock P.M., Local Time and said Notice of the time and place of such hearing shall be published in a newspaper of general circulation in said Town, and posted on the Town Bulletin Board, which Notice shall be in the form attached hereto and made a part hereof.

The question of the adoption of the foregoing resolution was duly put to vote on roll call, which resulted as follows:

COUNCIL MEMBER BURKARD	VOTED
COUNCIL MEMBER DICKMAN	VOTED
COUNCIL MEMBER LEARY	VOTED
COUNCIL MEMBER MAZUR	VOTED
SUPERVISOR RUFFINO	VOTED

April 4, 2022

LEGAL NOTICE

PUBLIC HEARING

TOWN OF LANCASTER

LEGAL NOTICE IS HEREBY GIVEN, that pursuant to Section 467 of the Real Property Tax Law and a resolution of the Town Board of the Town of Lancaster, adopted on the 4th day of April, 2022 said Town Board will hold a Public Hearing on the 18th day of April, 2022 at 7:15 o'clock P.M., Local Time, at the Lancaster Town Hall, 21 Central Avenue, Lancaster, New York, to hear all interested persons upon the proposed resolution authorization a partial exemption from Real Property taxation for persons sixty-five (65) years of age and older on a graduated scale based upon income.

Copies of the proposed resolution can be reviewed at the Lancaster Town Hall, 21 Central Avenue, during normal business hours.

Full opportunity to be heard will be given to all parties in interest.

**BY ORDER OF THE TOWN BOARD
OF THE TOWN OF LANCASTER**

BY: DIANE M. TERRANOVA
Town Clerk

April 7, 2022

WHEREAS, by resolution adopted on January 3, 2022, the Town Board of the Town of Lancaster authorized the sum of \$5,000.00 be allocated for the purpose of defraying the expenses connected with the Taste of Lancaster and the observance of Independence Day which are Village of Lancaster sponsored events, and

WHEREAS, by letter dated February 27, 2022, Village of Lancaster Mayor, Lynne Ruda, notified the Town that the Village is discontinuing the Taste of Lancaster event but adding a Spring Fair, a Fall Festival, and a New Year’s Eve Ball Drop, and

WHEREAS, Mayor Ruda, is further requesting that the full \$5,000.00 be allocated for each of the four (4) planned events for the 2022 calendar year and beyond.

NOW, THEREFORE,

BE IT RESOLVED, that the resolution adopted January 3, 2022, allocating \$5,000.00 funding to the Village of Lancaster for the purpose of defraying the expenses connected with their sponsored Taste of Lancaster and the Observance of Independence Day events, be amended to read, that the sum of \$5,000.00 be allocated in equal amounts for the purpose of defraying the expenses associated with the Spring Fair, Independence Day Observance, Fall Festival, and New Year’s Eve Ball Drop, sponsored by the Village of Lancaster, which shall be expended upon properly itemized and audited vouchers being submitted for each event, and

BE IT FURTHER,

RESOLVED, that future resolutions shall allocate designated funding in equal amounts to the Village of Lancaster for the purpose of defraying the expenses connected with the Spring Fair, Independence Day Observance, Fall Festival, and New Year’s Eve Ball Drop, and which shall be expended upon properly itemized and audited vouchers being submitted for each event.

BE IT FURTHER,

RESOLVED, that should the Village of Lancaster change the events being offered prior notice must be provided to the Town of Lancaster for review and consideration.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER BURKARD	VOTED
COUNCIL MEMBER DICKMAN	VOTED
COUNCIL MEMBER LEARY	VOTED
COUNCIL MEMBER MAZUR	VOTED
SUPERVISOR RUFFINO	VOTED

April 4, 2022

WHEREAS, in 1872 J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees, and

WHEREAS, this special day, named Arbor Day, was first observed with the planting of more than a million trees in Nebraska and is now observed throughout the nation and the world, and

WHEREAS, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce oxygen and provide habitat for wildlife, and

WHEREAS, trees are renewable resources, providing us with paper, supplying wood with which to build our homes, fuel for fires to keep us warm and countless other wood products, and

WHEREAS, trees in our Town of Lancaster increase property value, enhance the economic vitality of business areas, beautify our community and are a source of joy and spiritual renewal wherever they are planted, and

WHEREAS, the Town of Lancaster was named a Tree City USA by the Arbor Day Foundation to honor its commitment to effective urban forest management by communication dated February 22, 2022.

NOW, THEREFORE,
BE IT RESOLVED, that the Town Board of the Town Lancaster does hereby proclaim the week of April 24 through April 30, 2022, “ARBOR WEEK,” and authorizes the Town Supervisor to execute the Arbor Week Proclamation, and encourages our citizens to join with their communities to support efforts to protect our trees and woodlands.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER BURKARD	VOTED
COUNCIL MEMBER DICKMAN	VOTED
COUNCIL MEMBER LEARY	VOTED
COUNCIL MEMBER MAZUR	VOTED
SUPERVISOR RUFFINO	VOTED

April 4, 2022

WHEREAS, the Lancaster Garden Club (“The Club”) has requested to use the Town of Lancaster Senior Center’s parking lot for their plant and garden décor fundraiser which will be held on Saturday, June 4, 2022 from 10:00 A.M.to 3:00 P.M., and

WHEREAS, the Town Attorney’s Office has prepared a Release of Liability and Assumption of Risk which provides the terms and conditions for use of the Senior Center’s parking lot and which the Club has executed and submitted with the required proof of liability insurance in advance of the event taking place.

NOW, THEREFORE,

BE IT RESOLVED, that the Town Board of the Town of Lancaster hereby grants the Lancaster Garden Club’s request to use the Senior Center’s parking lot located at 100 Oxford Avenue for their plant and garden décor fundraiser which will be held on Saturday, June 4, 2022, from 10:00 A.M. to 3:00 P.M.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER BURARD	VOTED
COUNCIL MEMBER DICKMAN	VOTED
COUNCIL MEMBER LEARY	VOTED
COUNCIL MEMBER MAZUR	VOTED
SUPERVISOR RUFFINO	VOTED

April 4, 2022

WHEREAS, Marybeth Gianni, Recreation Supervisor at the Town of Lancaster’s Senior Center, by letter dated March 29, 2022, has requested the purchase of **one (1) new and unused 2022 Ford Transit X2C Van with Lift** for use by the Senior Center, and

WHEREAS, this lift-van is available under New York State Contract PC68934 Group 40440 Award No. 23166, from State Contractor Fenton Mobility Products, Inc., for a cost of \$59,946.66, per their quote dated March 24, 2022 (Quote Number: 254), which eliminates the need for competitive bidding pursuant to §103 of General Municipal Law, and

WHEREAS, the Town of Lancaster has been awarded \$57,289.00 through the 2022-23 Erie County Department of Environment and Planning Community Development Block Grant to offset the cost.

NOW, THEREFORE,
BE IT RESOLVED, that the Town Board of the Town of Lancaster hereby approves the purchase of **one (1) new and unused 2022 Ford Transit X2C Van with Lift** off of the New York State Contract PC68934 Group 40440 Award No. 23166, from State Contractor Fenton Mobility Products, Inc., 26 Center Street, Randolph, NY for a cost of \$59,946.66, per their quote dated March 24, 2022 (Quote Number: 254), as proposed by the Town of Lancaster Senior Center Recreation Supervisor, and

BE IT FURTHER,
RESOLVED, that the purchase will be paid for with the \$57,289.00 provided through the 2022-23 Erie County Department of Environment and Planning Community Development Block Grant and the remaining \$2,657.66 to be paid for with funds available the Town’s 2022 Programs for the Aging, Equipment, Passenger Vehicles Budget, (Line item # 7610-225) and by the revenue generated from van usage.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER BURKARD	VOTED
COUNCIL MEMBER DICKMAN	VOTED
COUNCIL MEMBER LEARY	VOTED
COUNCIL MEMBER MAZUR	VOTED
SUPERVISOR RUFFINO	VOTED

WHEREAS, outside Law Enforcement agencies contact the Town of Lancaster Police Chief to request permission to rent the Lancaster Police Department’s Gun Range for mandatory training of its personnel, and

WHEREAS, agreements are required to be executed on behalf of the Town and any agency to outline expectations for both parties, protect both parties if those expectations aren’t met and lock in the price that will be paid for services.

NOW, THEREFORE,
BE IT RESOLVED, as follows:

1. All agreements presented to the Town and/or the Lancaster Police Department must be provided to the Town Attorney’s Office for review prior to execution.
2. The Town Supervisor and Chief of Police are hereby authorized to execute Agreements and Memorandum of Understandings between the Town of Lancaster and Law Enforcement Agencies for use of the Police Department’s Gun Range for training purposes for the year 2022.
3. When applicable, the Chief of Police’s Office shall obtain and provide proof of liability coverage from said agencies.
4. Any funds received for said rentals shall be deposited into the appropriate Police Budget Account by the Town’s Administration and Finance Director.
5. Once received, fully executed originals or copies of agreements entered into by the Town and Lancaster Police Department shall be provided to the Town Attorney’s Office for distribution.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER BURKHARD	VOTED
COUNCIL MEMBER DICKMAN	VOTED
COUNCIL MEMBER LEARY	VOTED
COUNCIL MEMBER MAZUR	VOTED
SUPERVISOR RUFFINO	VOTED

WHEREAS, the New York State Liquor Authority requires that an establishment notify the Municipality in which they operate of an application for a liquor license thirty (30) days before it can be considered, and

WHEREAS, SALVATORES ITALIAN GARDENS, 6461 Transit Road, Depew, New York by letter filed on March 30, 2022 with the Town Clerk of the Town of Lancaster has indicated his intent to apply for a liquor license with the New York State Liquor Authority, and

WHEREAS, SALVATORES ITALIAN GARDENS, 6461 Transit Road, Depew, New York has requested that the thirty (30) day statutory notification to the Town of Lancaster of an application for a liquor license to the New York State Liquor Authority be waived, and

WHEREAS, this waiver can only be granted by the Town Board in which the premises is located.

NOW, THEREFORE,

BE IT RESOLVED, that the Town Clerk is authorized to notify the State Liquor Authority that required notification was received by the Town Clerk on March 30, 2022, and

BE IT FURTHER,

RESOLVED, that the Town Board hereby waives the thirty (30) day notification requirement.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER BURKARD	VOTED
COUNCIL MEMBER DICKMAN	VOTED
COUNCIL MEMBER LEARY	VOTED
COUNCIL MEMBER MAZUR	VOTED
SUPERVISOR RUFFINO	VOTED

WHEREAS, the Municipal Home Rule Law of the State of New York and Chapter 23 of the Code of the Town of Lancaster provide for the adoption and enactment of local laws, and

WHEREAS, after review and consideration, the Town Board of the Town of Lancaster deems it in the public interest to amend Chapter 400 Zoning, Article XIV Administration and Enforcement, by amending subsections of § 400-75(D)(9) Site plan review procedures to include recommendation be provided by the Town of Lancaster’s Planning Board, and

WHEREAS, pursuant to the Town of Lancaster Code and the Municipal Home Rule Law, a public hearing is required prior to adopting a Local Law.

NOW, THEREFORE,
BE IT RESOLVED, by the Town Board of the Town of Lancaster that:

1. A public hearing for the proposed Local Law of the year 2022, which will require recommendations be provided by Town of Lancaster’s Planning Board prior to approval of granting a site plan extension, by amending Chapter 400 Zoning, Article XIV Administration and Enforcement, § 400-75(D)(9) Site plan review of the Code of the Town of Lancaster, will be held at 7:15 o’clock P.M. on the 18th day of April 2022, at the Town Hall, 21 Central Avenue, Lancaster, New York, and that Notice of the Time and Place be published in the official newspaper of the Town.
2. The Town Clerk is hereby directed and authorized to publish public notice of said hearing in the official newspaper and given in accordance with the Municipal Home Rule Law, the Open Meetings Law, and Sections 264 and 265 of the Town Law of the State of New York, and which Notice shall be in the form attached hereto and made a part hereof.
3. This resolution is effective immediately.

The question of the adoption of the foregoing resolution was duly put to vote on roll call, which resulted as follows:

COUNCIL MEMBER BURKARD	VOTED
COUNCIL MEMBER DICKMAN	VOTED
COUNCIL MEMBER LEARY	VOTED
COUNCIL MEMBER MAZUR	VOTED
SUPERVISOR RUFFINO	VOTED

LEGAL NOTICE
PUBLIC HEARING
TOWN OF LANCASTER

LEGAL NOTICE IS HEREBY GIVEN, that pursuant to the Municipal Home Rule Law of the State of New York and Chapter 23 of the Code of the Town of Lancaster and pursuant to a resolution adopted by the Town Board of the Town of Lancaster on April 4, 2022, the Town Board will hold a Public Hearing on the 18th day of April, 2022 at 7:15 o'clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, for the purposes of considering and possibly adopting a Local Law to amend the Town Code of the Town of Chapter 400 Zoning, Article XIV Administration and Enforcement, § 400-75(D)(9) Site plan review procedures.

Copies of the proposed Local Law can be reviewed at the Lancaster Town Hall, 21 Central Avenue, during normal business hours. All interested members of the public shall be heard.

**BY ORDER OF THE TOWN BOARD
OF THE TOWN OF LANCASTER**

By: DIANE M. TERRANOVA
Town Clerk

April 7, 2022

**Town of Lancaster
Local Law No. of 2022**

**A Local Law Amending § 400-75(D)(9) Site Plan Review of the Town Code to Include
Recommendations be Provided by the Town's Planning Board Prior to Granting an
Extension.**

Be it hereby enacted by the Town Board of the Town of Lancaster as follows:

Section 1. Section 400-75(D)(9) of Chapter 400 of Article XIV of the Town Code is hereby amended to read in its entirety as follows:

Section 400-75(D)(9) Zoning, Site plan review

D. Site plan review procedure.

- 9.** Except for subdivisions that have been duly filed in the office of the County Clerk, if construction of the approved development has not commenced within two (2) years from the time of site plan approval, that approval shall be deemed revoked. Extensions of this period may be granted by the Town Board upon additional review and approval of the Town's Planning Board/Department.

Section 2. Severability Clause. If any part of this local law is for any reason held to be unconstitutional or invalid, such decision shall not affect the remainder of this local law. The Town Board of the Town of Lancaster hereby declares that it would have passed this local law and each section and subsection thereof, irrespective of the fact that any one or more of these sections, subsections, sentences, clauses, or phrases may be declared unconstitutional or invalid.

Section 3. Effective Date. This local law shall be effective immediately upon filing with the New York Secretary of State.

WHEREAS, Jean Karn, Dog Control Officer for the Town of Lancaster Dog Control Department, by letter dated March 29, 2022, has recommended the appointment of the following individual(s) to the following part-time permanent position(s).

NOW, THEREFORE,

BE IT RESOLVED, that the following individual(s) are hereby appointed to the following part-time permanent position(s) in the Town of Lancaster Dog Control Department, working not more than nineteen and three-quarter hours per week, and that these being part-time position(s), provide no health insurance, sick days, vacations, or other fringe benefits not specifically mandated for part-time permanent employees:

<u>NAME</u>	<u>POSITION</u>	<u>PAY RATE PER HOUR</u>	<u>EFFECTIVE DATE</u>
Melanie Foster Lancaster, NY	Dog Control Officer	\$16.00	April 5, 2022

BE IT FURTHER,

RESOLVED, that these individual(s) shall be compensated for any scheduled work shift for the actual number of hours worked but shall be compensated for any unscheduled call-ins for a minimum of four hours.

BE IT FURTHER,

RESOLVED, that the Supervisor of the Town of Lancaster shall be authorized to take all necessary action to implement the foregoing.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER BURKARD	VOTED
COUNCIL MEMBER DICKMAN	VOTED
COUNCIL MEMBER LEARY	VOTED
COUNCIL MEMBER MAZUR	VOTED
SUPERVISOR RUFFINO	VOTED

April 4, 2022

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER MAZUR, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER, TO WIT:

19

BE IT RESOLVED, that Sherry Guarino, Lancaster, NY be and is hereby appointed as Secretary of the Town of Lancaster’s Planning Board effective April 5, 2022.

BE IT FURTHER,
RESOLVED, that the Supervisor of the Town of Lancaster shall be authorized to take all necessary action to implement the foregoing.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER BURKARD	VOTED
COUNCIL MEMBER DICKMAN	VOTED
COUNCIL MEMBER LEARY	VOTED
COUNCIL MEMBER MAZUR	VOTED
SUPERVISOR RUFFINO	VOTED

April 4, 2022

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER MAZUR, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER, TO WIT:

20

WHEREAS, the Town Board of the Town of Lancaster has heretofore held a public hearing pursuant to Chapter 400-Zoning, Article XIV Administration and Enforcement, §400-78 Special Use Permits, of the Code of the Town of Lancaster, upon the application of **Katharine D’Auria**, for a Special Use Permit for a Home Occupation (Bookkeeping Service) on premises located at **5 Nottingham Lane (SBL No. 126.10-4-29)**, Lancaster, New York, and the Board issued such Special Use Permit on March 16, 2020, and

WHEREAS, per its terms and conditions, this Special Use Permit is currently up for renewal, and

WHEREAS, by letter dated January 31, 2022, **Katharine D’Auria** has requested that the Town Board renew the Special Use Permit for an additional two (2) year term, and

WHEREAS, Code Enforcement Officer, Matt Fischione, has recommended his approval of this Special Use Permit Renewal per his letter dated March 28, 2022.

NOW, THEREFORE,

BE IT RESOLVED, as follows:

1. That pursuant to Chapter 400-Zoning, Article IV. Residential Districts, §400-16(F) Home Occupations, of the Code of the Town of Lancaster, the Town Board of the Town of Lancaster does hereby grant renewal of this Special Use Permit to **Katharine D’Auria**, for a Home Occupation (Bookkeeping Service) on premises located **5 Nottingham Lane (SBL No. 126.10-4-29)**, Lancaster, New York, upon the terms and conditions as set forth in the Zoning Ordinance for the period beginning March 16, 2022 and ending March 15, 2024, and

2. That the applicant will continue in compliance with conditions as set forth §400-16(F) Home Occupations and §400-78 Special Use Permits, of the Code of the Town of Lancaster as long as the applicant continues to engage in this home occupation on the premises, and to any additional conditions listed herein, namely:

- A. There shall be no change in the outside appearance of the building or premises or other visible evidence of the conduct of such occupation.
- B. Only persons residing on the premises shall be engaged in such an occupation.
- C. This Special Use Permit terminates when the applicant no longer resides on the premises.
- D. Permit must be renewed every two (2) years at no additional cost to the applicant. Renewal is considered upon the property owner applying in writing to the Town Clerk, **on or before March 15, 2024.**
- E. Applicant will authorize representatives from the Building Inspector’s Office to enter the premises upon reasonable notice to inspect the premises to verify compliance with this permit.
- F. Applicant will provide a copy of the business’ New York State/Federal Tax Employer Identification Number and when applicable, a License from the appropriate regulatory agency for the service being provided.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER BURKARD	VOTED
COUNCIL MEMBER DICKMAN	VOTED
COUNCIL MEMBER LEARY	VOTED
COUNCIL MEMBER MAZUR	VOTED
SUPERVISOR RUFFINO	VOTED

April 4, 2022

WHEREAS, by resolution dated July 6, 2021, the Town Board of the Town of Lancaster approved the purchase of **one (1) new and unused 2022 Ford F-550 XL Reg Cab 4x4 Pickup Truck with plow package costing \$93,293.64**, for use by the Parks, Recreation and Forestry Department, and

WHEREAS, the Parks Department accepted a trade-in allowance for their 2016 Ford F-550 XL Pick-up with Dump Body (VIN# 1FDUF5HY8GEB17731 w/approx. 24,904 mi.) in the amount of \$25,500.00 to offset the cost also in the July 6, 2021 resolution, and

WHEREAS, by letter dated March 29, 2022, Michelle Barbaro is notifying the Town Board that the Parks Department will not be trading in their 2016 Ford F-550 Pick-up Truck and is requesting that the Town Board approve amending the July 6, 2021, resolution and authorize that the remaining trade-in balance of \$25,500.00 be paid out of the Town’s March 15, 2021 Parks and Recreation Department Acquisition of Vehicles and Equipment Bond resolution.

**NOW, THEREFORE,
BE IT RESOLVED**, as follows:

that the Town Board of the Town of Lancaster hereby grants Michelle Barbaro’s request and amends the July 6, 2021 resolution cancelling the trade-in of the Parks, Recreation and Forestry Department’s 2016 Ford F-550 XL Pick-up with Dump Body (VIN# 1FDUF5HY8GEB17731 w/approx. 24,904 mi.) for \$25,500.00 and authorizes payment in the full amount of **\$93,293.64** for the purchase of **one (1) new and unused 2022 Ford F-550 XL Reg Cab 4x4 Pickup Truck with plow package** from Van Bortel Ford, Inc., East Rochester, New York, be paid for with funds approved in the Town’s March 15, 2021 Parks and Recreation Department Acquisition of Vehicles and Equipment Bond resolution .

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER BURKARD	VOTED
COUNCIL MEMBER DICKMAN	VOTED
COUNCIL MEMBER LEARY	VOTED
COUNCIL MEMBER MAZUR	VOTED
SUPERVISOR RUFFINO	VOTED

April 4, 2022

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR RUFFINO, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER, TO WIT:

22

**RESOLUTION AND ORDER
AFTER PUBLIC HEARING APPROVING
THE INCREASE AND IMPROVEMENT OF
FACILITIES OF THE TOWN OF LANCASTER
CONSOLIDATED WATER DISTRICT**

WHEREAS, the Town Board of the Town of Lancaster (herein called “Town Board” and “Town”, respectively), in the County of Erie, New York, has, pursuant to Town Law, created the Town of Lancaster Consolidated Water District (the “District”), and

WHEREAS, in November of 2020, the Town Board directed Wm. Schutt & Associates, P.C., competent engineers licensed in New York (“Wm. Schutt” or the “Engineer”), to prepare a map, plan and report (the “November 2020 Map, Plan and Report”) for a water system capital improvements project within the District (the “Project”), and

WHEREAS, in March of 2021, the Town approved the Project, through Town Law Section 202-b proceedings and other resolutions, and

WHEREAS, on April 19, 2021, the Town adopted a bond resolution authorizing the issuance of certain obligations to finance the cost of the Project, and

WHEREAS, the estimated maximum cost of the Project has since increased due to an increase in the cost of construction materials and labor for the project, and

WHEREAS, due to the above-described increase in costs, the Town has directed Wm. Schutt, to prepare an addendum (dated March 16, 2022) to the November 2020 Map, Plan and Report to reflect such increased costs (such addendum and the November 2020 Map, Plan and Report collectively being hereinafter referred to as the “Revised Map, Plan and Report”), and

WHEREAS, the Project (commonly referred to as Phase I) will generally consist of (but not be limited to), the installation of approximately 7,100 linear feet of water main along various roads in the Town, along with the installation of fire hydrants, valves and appurtenances, as well as other such improvements as more fully identified in (or contemplated by) such map, plan and report referred to above, all of the forgoing to include all necessary site work, equipment, apparatus and other improvements and costs incidental thereto and in connection with the financing thereof (collectively, the “District Improvement” or the “Project”), and

WHEREAS, the scope of the has not materially changed from such originally contemplated project as identified in the November 2020 Map, Plan and Report, and

WHEREAS, the Revised Map, Plan and Report: (a) increases the estimated maximum cost of the Project from \$2,535,000 to \$3,035,000 and (b) increases the aggregate principal amount of bonds required from \$2,535,000 to \$3,035,000, and

WHEREAS, pursuant to the direction of the Town, the Engineer has completed and filed with the Town Board the Revised Map, Plan and Report for such increase and improvement of facilities of the District and has estimated the total cost thereof to be an increased estimated maximum amount of \$3,035,000; said cost to be financed by the issuance of serial bonds of the Town in an increased aggregate principal amount not to exceed \$3,035,000, such amount to be offset by any federal, state, county and/or local funds received, and

WHEREAS, the Revised Map, Plan and Report has not been modified in any material respect other than as described above, and

WHEREAS, the Town Board has previously determined that the District Improvement is a Type II action, and

WHEREAS, due to the above-described lack of change to the scope of the District Improvement, no further action under SEQRA is necessary, and

WHEREAS, the Town Board issued an Order at its March 21, 2022 meeting calling for a public hearing to be held at the Town Hall, Lancaster, New York, on April 4, 2022 at 7:15 o'clock p.m. (prevailing time) or shortly thereafter, to consider the increase and improvement of facilities of the District as enumerated in the Revised Map, Plan and Report and to hear all persons interested in the subject thereof concerning the same and for such other action on the part of the Town Board with relation thereto as may be required by law, and further ordered the Town Clerk to publish at least once in a newspaper designated as an official newspaper of the Town for such publication, and post on the sign board of the Town maintained pursuant to subdivision 6 of Section 30 of the Town Law, a copy of this Order, certified by said Town Clerk, the first publication thereof and said posting to be not less than ten nor more than 20 days before the date of such public hearing, and

WHEREAS, said notices of the public hearing were properly published and posted and the public hearing duly held at the time and place stated in the notices.

NOW, THEREFORE,
BE IT RESOLVED AND DETERMINED BY THE TOWN BOARD OF THE TOWN OF LANCASTER, based on the information provided at the public hearing, as follows:

DETERMINED, that it is in the public interest to increase and improve the facilities of the District as hereinabove described and referred to at the estimated maximum cost of \$3,035,000, and it is hereby

DETERMINED, that the parcels and lots of the District shall be benefited by said increase and improvement of the facilities of the District, and it is hereby

DETERMINED, that all parcels and lots benefited by said increase and improvement of the facilities are included in the District, and it is hereby

ORDERED, that the facilities of the District shall be so increased and improved and that the Engineer shall prepare plans and specifications and make a careful estimate of the expense for said increase and improvement of the facilities, and with the assistance of the Town Attorney, prepare a proposed contract for the execution of the work, which plans and specifications, estimate and proposed contract shall be presented to the Town Board as soon as possible, and it is hereby

FURTHER ORDERED, that the expense of said increase and improvement of the facilities shall be financed by the issuance of serial bonds of the Town in an aggregate principal amount not to exceed \$3,035,000, said amount to be offset by any federal, state, county and/or local funds received, and unless paid from other sources or charges, the costs of said increase and improvement of facilities shall be paid by the assessment, levy and collection of special assessments from the several lots and parcels of land within the District, which the Town Board shall determine and specify to be especially benefited thereby, so much upon and from each as shall be in just proportion to the amount of benefit conferred upon the same, to pay the principal of and interest on said bonds as the same shall become due and payable, except as provided by law, and it is hereby

FURTHER ORDERED, that within ten days after adoption of this Resolution and Order, the Town Clerk shall record with the Clerk of the County of Erie a copy of this Resolution and Order, certified by said Town Clerk.

The adoption of the foregoing Resolution Approving the Increase and Improvement of Facilities of the Town of Lancaster Consolidated Water District was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER BURKARD	VOTED
COUNCIL MEMBER DICKMAN	VOTED
COUNCIL MEMBER LEARY	VOTED
COUNCIL MEMBER MAZUR	VOTED
SUPERVISOR RUFFINO	VOTED

April 4, 2022

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR RUFFINO, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER, TO WIT:

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AN AMENDING AND RESTATING BOND RESOLUTION, DATED APRIL 4, 2022, OF THE TOWN BOARD OF THE TOWN OF LANCASTER, ERIE COUNTY, NEW YORK (THE “TOWN”), AMENDING THE BOND RESOLUTION THAT WAS ADOPTED ON APRIL 19, 2021, AND AUTHORIZING A CAPITAL IMPROVEMENTS PROJECT (PHASE I) WITHIN THE TOWN OF LANCASTER CONSOLIDATED WATER DISTRICT AT AN ESTIMATED MAXIMUM COST OF \$3,035,000 AND AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$3,035,000 PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE SAID PURPOSE, SAID AMOUNT TO BE OFFSET BY ANY FEDERAL, STATE, COUNTY AND/OR LOCAL FUNDS RECEIVED, AND DELEGATING THE POWER TO ISSUE BOND ANTICIPATION NOTES IN ANTICIPATION OF THE SALE OF SUCH BONDS TO THE TOWN SUPERVISOR.

WHEREAS, on April 19, 2021, the Town Board of the Town of Lancaster, Erie County, New York (the “Town”) adopted a bond resolution (the “Original Bond Resolution”) entitled:

A BOND RESOLUTION, DATED APRIL 19, 2021, OF THE TOWN BOARD OF THE TOWN OF LANCASTER, ERIE COUNTY, NEW YORK (THE “TOWN”), AUTHORIZING A CAPITAL IMPROVEMENTS PROJECT (PHASE I) WITHIN THE TOWN OF LANCASTER CONSOLIDATED WATER DISTRICT AT AN ESTIMATED MAXIMUM COST OF \$2,535,000 AND AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$2,535,000 OF THE TOWN, PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE SAID PURPOSE, SAID AMOUNT TO BE OFFSET BY ANY FEDERAL, STATE, COUNTY AND/OR LOCAL FUNDS RECEIVED, AND DELEGATING THE POWER TO ISSUE BOND ANTICIPATION NOTES IN ANTICIPATION OF THE SALE OF SUCH BONDS TO THE TOWN SUPERVISOR.

WHEREAS, the Town has not previously issued bond anticipation notes pursuant to the Original Bond Resolution and has not yet entered into permanent financing arrangements thereunder (i.e., the issuance of long-term serial bonds), and

WHEREAS, the Town approved, through Town Law Section 202-b proceedings and the Original Bond Resolution, a certain water system capital improvements project in the Town of Lancaster Consolidated Water District (the “Project”), and

WHEREAS, the cost of the Project has subsequently increased from \$2,535,000 to \$3,035,000 due to an increase in the cost of construction materials and labor, and

WHEREAS, the Town Board of the Town has determined to proceed with the Project, and

WHEREAS, the Town has directed Wm. Schutt & Associates, P.C., competent engineers licensed in New York, to prepare an addendum (dated March 16, 2022) to the map, plan and report for the Project originally prepared in November 2020 (the “November 2020 Map, Plan and Report” and, collectively with the addendum, the “Revised Map, Plan and Report”) to reflect the revised cost of the Project, and

WHEREAS, the scope of the improvements has not materially changed from the Project identified in the November 2020 Map, Plan and Report, and

WHEREAS, the Town Board now wishes to amend and restate the Original Bond Resolution for the purposes of: (a) increasing the estimated maximum amount from \$2,535,000 to \$3,035,000 and (b) increasing the aggregate principal amount of bonds from \$2,535,000 to \$3,035,000, and to make such other modifications in the Original Bond Resolution as may be consistent with law, and

WHEREAS, the Original Bond Resolution is otherwise being reaffirmed and ratified in all other material respects.

NOW, THEREFORE,

BE IT RESOLVED, by the Town Board of the Town of Lancaster, in the County of Erie, New York (the “Town”) (by the favorable vote of not less than two-thirds of all the members of the Town Board) as follows:

SECTION 1. The Town is hereby authorized to undertake a water system capital improvements project (commonly referred to as Phase I) that will generally consist of (but not be limited to), the installation of approximately 7,100 linear feet of water main along various roads in the Town, along with the installation of fire hydrants, valves and appurtenances, as well as other such improvements as more fully identified in (or contemplated by) the Revised Map, Plan and Report prepared in connection with such project, all of the forgoing to include all necessary site work, equipment, apparatus and other improvements and costs incidental thereto and in connection with the financing thereof (collectively, the “Project”). The estimated maximum cost of said purpose is \$3,035,000.

SECTION 2. The Town Board plans to finance the estimated maximum cost of said purpose by the issuance of serial bonds in an aggregate principal amount not to exceed \$3,035,000 of the Town, hereby authorized to be issued therefore pursuant to the Local Finance Law, said amount to be offset by any federal, state, county and/or local funds received. Unless paid from other sources or charges, the cost of such improvement is to be paid by the issuance of serial bonds, and by the assessment, levy and collection of special assessments from the several lots and parcels of land within the District which the Town Board shall determine and specify to be especially benefited thereby, so much upon and from each as shall be in just proportion to the amount of benefit conferred upon the same, to pay the principal of and interest on such bonds as the same become due and payable, except as provided by law.

SECTION 3. It is hereby determined that said purpose is an object or purpose described in subdivision 1 of paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said purpose is 40 years.

SECTION 4. Current funds are not required to be provided prior to the issuance of the bonds authorized by this resolution or any notes issued in anticipation of the sale of said bonds.

SECTION 5. It is hereby determined the proposed maturity of the obligations authorized by this resolution will be in excess of five years.

SECTION 6. The faith and credit of the Town are hereby irrevocably pledged for the payment of the principal of and interest on such bonds (and any bond anticipation notes issued in anticipation of the sale of such bonds) as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds or notes becoming due and payable in such year. Unless paid from other sources or charges, the cost of the Project shall be paid by the assessment, levy and collection of special assessments from the several lots and parcels of land within the District which the Town Board shall determine and specify to be especially benefited thereby, so much upon and from each as shall be in just proportion to the amount of benefit conferred upon the same, to pay the principal of and interest on such bonds or notes as the same become due and payable, except as provided by law. Should the assessments upon benefited real property be insufficient to pay the principal of and interest on such bonds, there shall annually be levied on all the taxable real property of said Town a tax sufficient to pay the principal of and interest on such bonds or notes as the same become due and payable.

SECTION 7. Subject to the provisions of this resolution and of the Local Finance Law, and pursuant to the provisions of Section 21.00 relative to the authorization of the issuance of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and of Section 50.00, Sections 56.00 to 60.00, Section 62.00, Section 62.10, Section 63.00, and Section 164.00 of the Local Finance Law, the powers and duties of the Town Board pertaining or incidental to the sale and issuance of the obligations herein authorized, including but not limited to authorizing bond anticipation notes and prescribing the terms, form and contents and details as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said notes, are hereby delegated to the Town Supervisor, the chief fiscal officer of the Town. Without in any way limiting the scope of the foregoing delegation of powers, the Town Supervisor, to the extent permitted by Section 58.00(f) of the Local Finance Law, is specifically authorized to accept bids submitted in electronic format for any bonds or notes of the Town.

SECTION 8. To the extent not previously authorized, the temporary use of available funds of the Town, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Local Finance Law, for the purpose or purposes described in this resolution.

SECTION 9. This resolution shall constitute the declaration (or reaffirmation) of the Town's "official intent" to reimburse the expenditures authorized in this resolution with the proceeds of the bonds, notes or other obligations authorized herein, as required by United States Treasury Regulations Section 1.150-2.

SECTION 10. The Town Supervisor is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution, and any notes issued in anticipation thereof, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and may designate the bonds authorized by this resolution, and any notes issued in anticipation thereof, as "qualified tax-exempt bonds" in accordance with Section 265(b)(3) of the Code.

SECTION 11. The Town Supervisor is further authorized to enter into a continuing disclosure agreement with the initial purchaser of the bonds or notes authorized by this resolution, containing provisions which are satisfactory to such purchaser in compliance with the provisions of Rule 15c2-12, promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934.

SECTION 12. The Town Supervisor is further authorized to call in and redeem any outstanding obligations that were authorized hereunder (at such times and in such amounts and maturities as may be deemed appropriate after consultation with Town officials and the Town's municipal advisor), to approve any related notice of redemption, and to take such actions and execute such documents as may be necessary to effectuate any such calls for redemption pursuant to Section 53.00 of the Local Finance Law, with the understanding that no such call for redemption will be made unless such notice of redemption shall have first been filed with the Town Clerk.

SECTION 13. The Town has previously determined that the Purpose is a Type II action that will not have a significant effect on the environment and, therefore, no other determination or procedures under the State Environmental Quality Review Act ("SEQRA") are required.

SECTION 14. In the absence or unavailability of the Town Supervisor, the Deputy Town Supervisor is hereby specifically authorized to exercise the powers delegated to the Town Supervisor in this resolution.

SECTION 15. The validity of said serial bonds or of any bond anticipation notes issued in anticipation of the sale of said serial bonds may be contested only if:

(1) (a) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with and an action, suit or proceeding contesting such validity is commenced within 20 days after the date of such publication, or

(2) Said obligations are authorized in violation of the provisions of the Constitution of New York.

SECTION 16. The Town Clerk is hereby authorized and directed to publish this resolution, or a summary thereof, together with a notice in substantially the form provided by Section 81.00 of said Local Finance Law, in a newspaper having a general circulation in said Town and designated as the official newspaper of said Town for such publication.

SECTION 17. Nothing in this amendment shall affect the validity of the original April 19, 2021 Bond Resolution, or any action taken thereunder, and any such actions are hereby ratified.

SECTION 18. This Resolution is effective immediately.

The question of the adoption of the foregoing resolution was duly put to vote on a roll call, which resulted as follows:

COUNCIL MEMBER BURKARD	VOTED
COUNCIL MEMBER DICKMAN	VOTED
COUNCIL MEMBER LEARY	VOTED
COUNCIL MEMBER MAZUR	VOTED
SUPERVISOR RUFFINO	VOTED

April 4, 2022

**NOTICE OF BOND RESOLUTION
TOWN OF LANCASTER**

NOTICE IS HEREBY GIVEN that an amending and restating bond resolution, a summary of which is published herewith, has been adopted by the Town Board of the Town of Lancaster, County of Erie, on April 4, 2022 and the validity of the obligations authorized by such resolution may be hereafter contested only if:

(1) (a) such obligations were authorized for an object or purpose for which the Town of Lancaster is not authorized to expend money or

(b) the provisions of law which should have been complied with as of the date of publication of this notice were not substantially complied with and an action, suit or proceeding contesting such validity is commenced within 20 days after the date of publication of this notice; or

(2) such obligations were authorized in violation of the provisions of the Constitution of New York.

SUMMARY OF BOND RESOLUTION

The following is a summary of an amending and restating bond resolution adopted by the Town Board of the Town of Lancaster on April 4, 2022, that amends and restates a prior bond resolution dated April 19, 2021 (the "Original Bond Resolution"). The proceeds from the sale of the obligations authorized in said bond resolution (as amended and restated) shall be used to finance a water system capital improvements project (commonly referred to as Phase I) that will generally consist of (but not be limited to), the installation of approximately 7,100 linear feet of water main along various roads in the Town, along with the installation of fire hydrants, valves and appurtenances, as well as other such improvements as more fully identified in (or contemplated by) such map, plan and report prepared in connection with such project, all of the foregoing to include all necessary site work, equipment, apparatus and other improvements and costs incidental thereto and in connection with the financing thereof (collectively, the "Project"), at an estimated maximum amount of \$3,035,000. Such amended and restated bond resolution authorizes the issuance and sale of a serial bond or bonds and a bond anticipation note or notes in anticipation of the issuance and sale of such serial bonds, in an aggregate principal amount not to exceed \$3,035,000, said amount to be offset by any federal, state, county and/or local funds received. The amending and restating bond resolution authorizes: (a) an increase in the estimated maximum amount from \$2,535,000 to \$3,035,000 and (b) an increase in the aggregate principal amount of bonds from \$2,535,000 to \$3,035,000 and other modifications to the Original Bond Resolution as may be consistent with law. Such increase in costs for the Project is due to an increase in the cost of construction materials and labor for the project. The scope of the improvements has not materially changed from the project identified in the Original Bond Resolution. The period of probable usefulness for such purpose is 40 years. A copy of the resolution summarized herein is available for public inspection during normal business hours at the Office of the Town Clerk, located in the Town Hall, 21 Central Avenue, Lancaster, New York.

WHEREAS, on August 4, 2021, Edward Schiller completed a final inspection for the Aurora Street over Cayuga Creek Bridge Rehabilitation project and final payment was made, and

WHEREAS, by memo dated March 30, 2022, consulting Engineer, Ed Schiller has requested that the Supervisor execute the Final Acceptance of Locally Administered Federal-Aid Project Form for this project.

NOW, THEREFORE,
BE IT RESOLVED, that the Town Board of the Town of Lancaster hereby authorizes the Town Supervisor to execute on behalf of the Town of Lancaster the Final Acceptance of Locally Administered Federal-Aid Project form for the Aurora Street over Cayuga Creek Bridge Rehabilitation Project # 5762(9763), also identified by State-Local Agreement (#D036127) and NYSOT Project Id # 5762.97, as presented,

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER BURKARD	VOTED
COUNCIL MEMBER DICKMAN	VOTED
COUNCIL MEMBER LEARY	VOTED
COUNCIL MEMBER MAZUR	VOTED
SUPERVISOR RUFFINO	VOTED

April 4, 2022

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER BURKARD, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER, TO WIT:

WHEREAS, Town of Lancaster’s Police Detective Lieutenant, Shaun DiMino, has requested that the Town Board authorize the purchase of needed new equipment for the Police Shooting Range, and

WHEREAS, Detective Lieutenant DiMino, obtained a price quote for the purchase of various needed equipment from Dival Safety and Supplies in the amount of \$3,357.60 per their quoted dated March 30, 2022 (Order number M4239 00), in accordance with the Town of Lancaster’s Procurement Policy.

NOW, THEREFORE,

BE IT RESOLVED, The Town Board of the Town of Lancaster hereby approves the purchase of various needed equipment for the Lancaster Police Department’s Shooting Range from Dival Safety and Supplies, 1721 Niagara Street, Buffalo, NY, as proposed by Police Detective Lieutenant, Shaun DiMino for an amount not to exceed \$3,357.60 per their quoted dated March 30, 2022 (Order number M4239 00), and which will paid for with funds available in the Town’s 2022 Police Equipment Budget Line.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER BURKARD	VOTED
COUNCIL MEMBER DICKMAN	VOTED
COUNCIL MEMBER LEARY	VOTED
COUNCIL MEMBER MAZUR	VOTED
SUPERVISOR RUFFINO	VOTED

April 4, 2022